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**PATENT**  
Attorney Docket No. LEX-002C1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Gillies *et al.* CONF. NO.: 6802  
SERIAL NO.: 10/005,212 GROUP NO.: 1646  
FILING DATE: December 4, 2001 EXAMINER: P. M. Mertz  
TITLE: HETERODIMERIC FUSION PROTEINS USEFUL FOR TARGETED  
IMMUNE THERAPY AND GENERAL IMMUNE STIMULATION

**Terminal Disclaimer**

I, Stephen D. Gillies, residing at 47 Swanson Lane, Carlisle, MA 01741, state that I am a representative authorized to sign on behalf of EMD Lexigen Research Center Corp., identified below as the assignee of the entire right, title and interest in and to the above-identified patent application, U.S. Serial No. 10/005,212. I have reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and certify that, to the best of my knowledge and belief, title to the above-identified application is in the name of EMD Lexigen Research Center Corp.

EMD Lexigen Research Center Corp. of Bedford Campus, 45A Middlesex Turnpike, Billerica, MA 01821, is the assignee of the entire right, title and interest in and to the above-identified application, 10/005,212, by virtue of an Assignment executed on November 13, 2003, by the inventors in this application to EMD Lexigen Research Center Corp. A copy of the Assignment was filed with the United States Patent and Trademark Office for recordation on December 2, 2003, and is attached hereto as Exhibit A.

EMD Lexigen Research Center Corp. hereby waives and disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the full statutory term of U.S. Patent No. 6,617,135, and hereby agrees that any patent so granted on U.S. Serial No. 10/005,212 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,617,135, this agreement to run with any patent granted on the U.S. Serial No. 10/005,212 and to be binding upon the Assignee, its successors or assigns.

EMD Lexigen Research Center Corp. does not disclaim any terminal part of the term of patent granted on the above-identified application U.S. Serial No. 10/005,212 prior to the expiration date of the full statutory term of U.S. Patent No. 6,617,135, in the event that said patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a re-examination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, if any, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

EMD Lexigen Research Center Corp.

By: Stephen D. Gillies

Name: Stephen D. Gillies, Ph.D.

Title: President

EMD Lexigen Research Center Corp.

Date: April 6, 2004

**ASSIGNMENT**

WHEREAS, We, Stephen D. Gillies, Kin-Ming Lo, and Yan Lan have invented one or more inventions in:

**HETERODIMERIC FUSION PROTEINS USEFUL FOR TARGETED IMMUNE THERAPY  
AND GENERAL IMMUNE STIMULATION**

described in an application (or provisional application) for Letters Patent of the United States and identified by:

☐ Attorney Docket No. \_\_\_\_\_, and/or executed by us on even date herewith and about to be filed in the United States Patent Office;

☒ Serial No. 10/005,212 filed in the United States Patent Office on December 4, 2001; and described in international patent application PCT/US98/25978 filed December 8, 1998; and

WHEREAS, EMD Lexigen Research Center Corp. (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the State of Delaware, and having a usual place of business at Bedford Campus, 45 A Middlesex Turnpike, Billerica, MA, 01821, desires to acquire an interest therein, in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns, and legal representatives, our entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to the inventions described in said applications, together with our entire right, title and interest in and to said applications and such Letters Patent as may issue thereon or claim priority under United States law or international convention, including but not limited to non-provisionals, continuations, divisionals, reissues, reexaminations, extensions, and substitutions of said application or such Letters Patent, and any right, title and interest we may have in provisional applications to which said application claims priority; said inventions, applications and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all of our rights arising under or pursuant to any and all United States laws and international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent, including but not limited to any cause(s) of action and damages accruing prior to this assignment. We hereby acknowledge that this assignment, being of our entire right, title and interest in and to said inventions, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all Letters Patent to ASSIGNEE in its own name as assignee of our entire right, title and interest therein;

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention(s) to said ASSIGNEE, its successors, assigns,

and legal representatives, but at its or their expense and charges, including the execution of non-provisional, substitution, continuation, divisional, reissue, reexamination, or corresponding foreign or international patent applications;

AND, we hereby further agree to provide statements or testimony in any interference or other proceeding in which said invention(s) or any application or patent directed thereto may be involved;

AND, we hereby authorize ASSIGNEE or its attorneys or agents to insert the correct serial number and filing date into this assignment, if none is indicated on the date of our execution of this assignment;

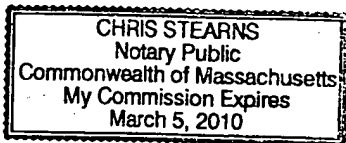
AND, we hereby authorize and request the Director of the United States Patent and Trademark Office to issue such Letters Patent as shall be granted upon said application, or applications based thereon, to said ASSIGNEE, its successors, assigns, or legal representatives.

**IN TESTIMONY WHEREOF**, we have hereunto set our hands and affixed our seals on the date(s) set forth below.

Inventor: Stephen D. Gillies  
Stephen D. Gillies

Commonwealth of Massachusetts )  
County of Middlesex ) ss

Subscribed and sworn to before me, by the above-named Stephen D. Gillies this 13<sup>th</sup> day of November, 2003.

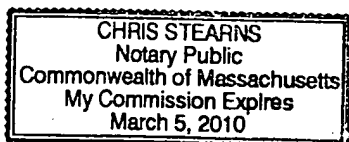


Chris Stearns  
Notary Public  
My Commission Expires: March 5, 2010

Inventor: Kin-Ming Lo  
Kin-Ming Lo

Commonwealth of Massachusetts )  
County of Middlesex ) ss

Subscribed and sworn to before me, by the above-named Kin-Ming Lo this 13<sup>th</sup> day of November, 2003.



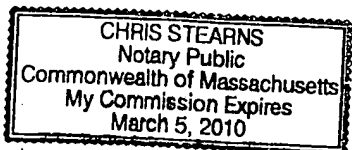
Chris Stearns  
Notary Public  
My Commission Expires: March 5, 2010

Inventor: \_\_\_\_\_

Yan Lan

Commonwealth of Massachusetts )  
County of Middlesex ) ss

Subscribed and sworn to before me, by the above-named Yan Lan this 13<sup>th</sup> day of November  
2003.



Chris Stearns  
Notary Public

My Commission Expires: March 5, 2010

Inventor: \_\_\_\_\_

[INVENTOR'S NAME]

State/Commonwealth of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss

Subscribed and sworn to before me, by the above-named [INVENTOR'S NAME] this \_\_\_\_ day of  
\_\_\_\_\_, 2003.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**FEE TRANSMITTAL**  
FY 2004

APR 14 2004  
PATENT & TRADEMARK OFFICE

Complete if Known

Application Serial Number	10/005,212
Filing Date	December 4, 2001
First Named Inventor	Gillies
Group Art Unit	1646
Examiner Name	Mertz, P.M.
Attorney Docket No.	LEX-002C1

## METHOD OF PAYMENT

1. ☒ Payment Enclosed:  
☒ Check ☐ Money Order ☐ Other
2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.  
☐ Required Fees (copy of this sheet enclosed).  
☒ Additional fee required under 37 CFR 1.16 and 1.17.  
☒ Overpayment Credit.
3. ☐ Applicant claims small entity status.

## FEE CALCULATION

## 1. FILING FEE

## Large Entity

Fee (\$)	Fee Description	Fee Paid
770	Utility filing fee	
340	Design filing fee	
160	Provisional filing fee	

Number Filed	Number Extra	Rate	Amount
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Total Claims - 20 = x \$ 18.00 =

Independent Claims - 3 = x \$ 86.00 =

☐ Multiple Dependent Claim(s), if any \$290.00 =

TOTAL:

SMALL ENTITY DISCOUNT:

SUBTOTAL (1) (\$) 0.00

## 2. AMENDMENT CLAIM FEES

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
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Total - = x \$ 18.00 =

Indep. - = x \$ 86.00 =

☐ First Presentation of Multiple Dep. Claim + \$290.00 =

TOTAL: (\$)

SMALL ENTITY DISCOUNT: (\$)

SUBTOTAL (2) (\$) 0.00

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
110	55	Extension for reply within first month	
420	210	Extension for reply within second month	
950	475	Extension for reply within third month	
1480	740	Extension for reply within fourth month	
2010	1005	Extension for reply within fifth month	
330	165	Notice of Appeal	
330	165	Filing a brief in support of an appeal	
290	145	Request for oral hearing	
130	130	Petitions to the Commissioner	
180	180	Submission of Information Disclosure Statement	
770	385	Filing a submission after final rejection (37 CFR 1.129(a))	
770	385	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
110	55	Submission of Terminal Disclaimer	110.00

Other fee (Specify)

Other fee (Specify)

SUBTOTAL (3) (\$) 110.00

SUBTOTAL (1) 0.00

SUBTOTAL (2) 0.00

SUBTOTAL (3) 110.00

TOTAL (\$) 110.00

## CORRESPONDENCE ADDRESS

Direct all correspondence to:

Patent Administrator  
 Testa, Hurwitz & Thibault, LLP  
 High Street Tower-125 High Street  
 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
 Fax No.: (617) 248-7100

## SIGNATURE BLOCK

Respectfully submitted,

Date: April 14, 2004  
 Reg. No. 41,640  
 Tel. No.: (617) 248-7012  
 Fax No.: (617) 248-7100

Michael H. Brodowski  
 Attorney for the Applicants  
 Testa, Hurwitz & Thibault, LLP  
 High Street Tower-125 High Street  
 Boston, MA 02110